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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,645	12/14/2001	John Wesley Moss	8285-458	2623

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EXAMINER

NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/024,645	MOSS ET AL.	
	Examiner	Art Unit	
	Duc Nguyen	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 10-15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,341,161. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-8 of U.S. Patent No. 6,341,161 in view of Bartholomew (5,497,414) clearly read on claims 10-15 of this pending application.

Consider claims 10-15. Claims 1-8 of U.S. Patent No. 6,341,161 teach all limitations in claims 10-15 of this pending application, except for determining whether the calling party number has at least seven to ten digits.

It is noted that North American Numbering Plan is defined as the subset of the E.164 numbering plan that is used in North America, Hawaii and the Caribbean. NANP specifies a ten-digit telephone number as: a three-digit Area Code (NPA), followed by a seven-digit directory number. The directory number is comprised of a three-digit CO code, and a four-digit line number. CLID - calling line ID is defined as the telephone number of the party placing a call.

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ISDN telephones (and some analog telephones) display this number while the called party's telephone is ringing. CLID is used in applications such as call screening. Bartholomew teaches detecting the calling party's address; comparing the detected calling party number with the CPR (column(s) 6, line(s) 5-20, line(s) 60 to column(s) 7, line(s) 18). The calling party number thus has at least seven to ten digits to be conformed and/or complied with the NANP standard. Therefore, Bartholomew would obviously teach the step that determines whether the calling party number has at least seven to ten digits.

3. Claims 19-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,766,003. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-8 of U.S. Patent No. 6,766,003 clearly read on claims 19-20 of this pending application.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Tatchell et al (5,905,774).

Consider claims 1-2. Tatchell teaches an apparatus for processing a call from a calling party (calling party 22) at a calling communication station to a called communication station

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(i.e., subscriber 17a-17n), comprising means for determining whether standard caller identification information is valid (e.g., the CLID cannot be verified or detected; column 20 lines 50-51; see figures 8a-b steps 103 and 106); means for transmitting a request for audible caller identification information to the calling communication station (e.g., agent obtains caller's name as delivered over the network or by asking the caller to say their name; figure 8b step 106); and transmitting the audible caller identification information to the called communication station (fig(s). 8b, step 106).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatchell et al (5,905,774) in view of Bartholomew (5,497,414).

Consider claims 3-8. Tatchell teaches all limitations (see the rejections of claims 1-2), except for determining whether the calling party number has at least seven to ten digits.

It is noted that North American Numbering Plan is defined as the subset of the E.164 numbering plan that is used in North America, Hawaii and the Caribbean. NANP specifies a ten-digit telephone number as: a three-digit Area Code (NPA), followed by a seven-digit directory number. The directory number is comprised of a three-digit CO code, and a four-digit line

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number. CLID - calling line ID is defined as the telephone number of the party placing a call. ISDN telephones (and some analog telephones) display this number while the called party's telephone is ringing. CLID is used in applications such as call screening. Bartholomew teaches detecting the calling party's address; comparing the detected calling party number with the CPR (column(s) 6, line(s) 5-20, line(s) 60 to column(s) 7, line(s) 18). The calling party number thus has at least seven to ten digits to be conformed and/or complied with the NANP standard. Therefore, Bartholomew would obviously teach the step that determines whether the calling party number has at least seven to ten digits.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Bartholomew into the teachings of Tatchell in order to add flexibility in control of access for called parties while protecting privacy of caller parties.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatchell et al (5,905,774) in view of Simpson et al (6,816,581).

Consider claim 9. Tatchell teaches all limitations (see the rejections of claims 1-2), except for detecting in the TAT the calling party identifier, the called party identifier; determining if the calling party identifier corresponds to a valid or invalid directory number, and placing the called party id in the call forward message as a redirecting party id; and marking the presentation indicator associated with the redirecting party id as presentation allowed.

Simpson illustrates in fig(s). 6-7 and 6a-7a in which steps 603, 703 reads on step receiving a TAT and detecting in the TAT the calling party identifier (CgPN), the called party

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identifier (CdPN); steps 604, 704 reads on step determining if the calling party identifier corresponds to a valid or invalid directory number (e.g., valid = 111-111-1111 or invalid = blank); steps 604 and 704, response 3 read on the step if the calling party id is an invalid directory number), placing the called party id in the call forward message as a redirecting party id; and marking the presentation indicator associated with the redirecting party id as presentation allowed (see response 3, called party id = 222-222-2222 is placed in the redirected and marking the presentation indicator associated with the redirecting party id as presentation allowed (i.e., public)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Simpson into the teachings of Tatchell in order to provide a privacy screening service to its subscribers.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatchell et al (5,905,774) in view of Simpson et al (6,816,581).

Consider claim 16. Tatchell teaches an apparatus for processing a call from a calling party (calling party 22) at a calling communication station to a called communication station (i.e., subscriber 17a-17n), comprising means for determining whether standard caller identification information is valid (e.g., the CLID cannot be verified or detected; column 20 lines 50-51; see figures 8a-b steps 103 and 106); means for transmitting a request for audible caller identification information to the calling communication station (e.g., agent obtains caller's name as delivered over the network or by asking the caller to say their name; figure 8b step 106); and transmitting the audible caller identification information to the called communication station

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(fig(s). 8b, step 106). Tatchell does not clearly teach detecting in the TAT the calling party identifier, the called party identifier; determining if the calling party identifier corresponds to a valid or invalid directory number, and placing the called party id in the call forward message as a redirecting party id; and marking the presentation indicator associated with the redirecting party id as presentation allowed.

Simpson illustrates in fig(s). 6-7 and 6a-7a in which steps 603, 703 reads on step receiving a TAT and detecting in the TAT the calling party identifier (CgPN), the called party identifier (CdPN); steps 604, 704 reads on step determining if the calling party identifier corresponds to a valid or invalid directory number (e.g., valid = 111-111-1111 or invalid = blank); steps 604 and 704, response 3 read on the step if the calling party id is an invalid directory number, placing the called party id in the call forward message as a redirecting party id; and marking the presentation indicator associated with the redirecting party id as presentation allowed (see response 3, called party id = 222-222-2222 is placed in the redirected and marking the presentation indicator associated with the redirecting party id as presentation allowed (i.e., public)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Simpson into the teachings of Tatchell in order to provide a privacy screening service to its subscribers.

10. Claims 17-18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatchell et al (5,905,774) in view of Simpson et al (6,816,581) as applied to claim 16 above, and further in view of Bartholomew (5,497,414).

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Consider claim 17-18. Tatchell in view of Simpson teaches all limitations in claims 10-15 of this pending application, except for determining whether the calling party number has at least seven to ten digits.

It is noted that North American Numbering Plan is defined as the subset of the E.164 numbering plan that is used in North America, Hawaii and the Caribbean. NANP specifies a ten-digit telephone number as: a three-digit Area Code (NPA), followed by a seven-digit directory number. The directory number is comprised of a three-digit CO code, and a four-digit line number. CLID - calling line ID is defined as the telephone number of the party placing a call. ISDN telephones (and some analog telephones) display this number while the called party's telephone is ringing. CLID is used in applications such as call screening. Bartholomew teaches detecting the calling party's address; comparing the detected calling party number with the CPR (column(s) 6, line(s) 5-20, line(s) 60 to column(s) 7, line(s) 18). The calling party number thus has at least seven to ten digits to be conformed and/or complied with the NANP standard. Therefore, Bartholomew would obviously teach the step that determines whether the calling party number has at least seven to ten digits.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Bartholomew into the teachings of Tatchell in order to add flexibility in control of access for called parties while protecting privacy of caller parties.

Response to Arguments

11. Applicant's arguments filed 7/20/05 have been fully considered but they are not persuasive.

<p>Regarding the Bartholomew reference, applicant states that Bartholomew only compares CPNs with the numbers stored in the SPR and there is no validity check on the number.</p>	<p>In contrast to applicant's assertions, in Bartholomew, the CPNs are known and valid numbers stored in the CPR. Therefore, by comparing an incoming CPN with known and valid CPNs, Bartholomew's system in fact performs validity check on the number.</p> <p>Furthermore, ver·i·fy is defined as 1 : to confirm or substantiate in law by oath</p> <p>2 : to establish the truth, accuracy, or reality of</p> <p>synonym see <u>CONFIRM</u>. Con·firm is defined as 1 : to give approval to : <u>RATIFY</u></p> <p>2 : to make firm or firmer : <u>STRENGTHEN</u></p> <p>3 : to administer the rite of <u>confirmation</u> to</p> <p>4 : to give new assurance of the validity of : remove doubt about by authoritative act or indisputable fact. Synonyms <u>CONFIRM</u>, <u>CORROBORATE</u>, <u>SUBSTANTIATE</u>, <u>VERIFY</u>, <u>AUTHENTICATE</u>, <u>VALIDATE</u> mean to attest to the truth or validity of something. © 2005 Merriam-Webster, Incorporated.</p>
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Regarding the Tatchell reference, applicant	In contrast to applicant's assertions, Tatchell
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states that Tatchell fails to disclose determining if calling party identification information is valid.	teaches determining whether standard caller identification information is valid (e.g., the CLID cannot be verified or detected; column 20 lines 50-51; see figures 8a-b steps 103 and 106). Furthermore, ver·i·fy is defined as 1 : to confirm or substantiate in law by oath 2 : to establish the truth, accuracy, or reality of synonym see <u>CONFIRM</u> . Con·firm is defined as 1 : to give approval to : <u>RATIFY</u> 2 : to make firm or firmer : <u>STRENGTHEN</u> 3 : to administer the rite of <u>confirmation</u> to 4 : to give new assurance of the validity of : remove doubt about by authoritative act or indisputable fact. Synonyms <u>CONFIRM</u> , <u>CORROBORATE</u> , <u>SUBSTANTIATE</u> , <u>VERIFY</u> , <u>AUTHENTICATE</u> , <u>VALIDATE</u> mean to attest to the truth or validity of something. © 2005 Merriam- <u>Webster, Incorporated.</u>
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Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (571) 272-7503. The examiner can normally be reached on 7:00AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Duc Nguyen

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Primary Examiner
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